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U.S. Department of Justice

United States Attorney  
Southern District of New York

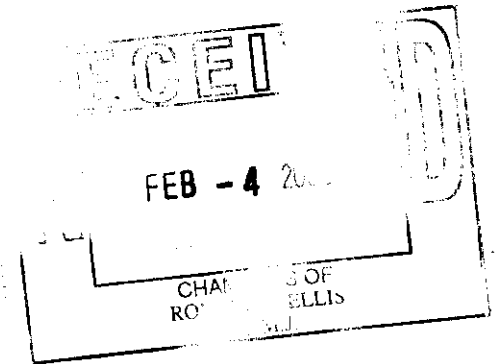
86 Chambers Street  
New York, New York 10007

February 1, 2008

By Hand

Hon. Ronald L. Ellis  
United States District Judge  
United States Courthouse  
500 Pearl Street, Room 1970  
New York, New York 10007

Re: Gregory Miele v. Astrue  
07 Civ. 3376 (RLE)



This Office represents the Commissioner of Social Security, the defendant in this action. We write respectfully, with the consent of plaintiff's counsel, to request an extension of the Court's briefing schedule.

Pursuant to this Court's order, plaintiff has filed his motion for judgment on the pleadings, and defendant's cross-motion for judgment on the pleadings is due by February 1, 2008, plaintiff's reply, if any, is due by February 15, 2008, and defendant's reply, if any, is due by February 29, 2008. While drafting the government's brief, we encountered an issue that required this Office to seek further information from the agency. We have asked the Social Security Administration to provide us with an answer to our concerns, which could result in change of the defendant's litigation position in this action. In view of the foregoing, I respectfully request that the Court approve the following schedule:

- 1) Defendant shall serve a cross-motion for judgment on the pleadings by March 4, 2008.
- 2) Plaintiff shall serve a reply, if any, by March 18, 2008;
- 3) Defendant shall serve a reply, if any, by April 1, 2008.

One previous request for an adjournment of the briefing

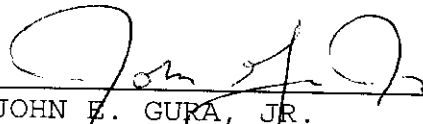
schedule was granted by the Court.

We apologize for the delay in making this request and thank the Court for its consideration of this matter.

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By:




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Assistant United States Attorney  
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cc: Carol Goldstein, Esq.  
(By Fax)

*Revised schedule  
Approved*

**SO ORDERED**

 2-5-08  
**MAGISTRATE JUDGE RONALD L. ELLIS**